

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

BRIAN RICHMAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16-3387-CV-S-MDH-P
)	
BRAD COLE, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff is incarcerated at the Christian County Jail (Jail) in Ozark, Missouri. He filed this case *pro se*, seeking relief pursuant to 42 U.S.C. § 1983 for claimed violations of his rights under federal law. Previously, the Court granted Plaintiff provisional leave to proceed as a pauper and directed him to pay an initial partial filing fee. Plaintiff has paid that fee.

Plaintiff names as defendants Christian County Sheriff Brad Cole and Jail officials Captain Ramsage and Officer Shadisky.¹ Plaintiff claims that Defendants have subjected him to various unconstitutional conditions of confinement. Primarily, Plaintiff claims that the toilet in his cell overflowed, soaking his clothes and bedding in feces. Plaintiff further claims that, due to

¹Plaintiff also lists as defendants unidentified officers who were “on duty at the time of incident.” Doc. 1, p. 1 (complaint). The Court cannot order service of process on unidentified people. The unknown officers will be dismissed as defendants, but, as the case progresses, Plaintiff may seek to add specific individuals as defendants if and when he is able to determine their identities.

Defendants inattention to this situation, he suffered a staph infection. Plaintiff seeks monetary and other relief.

Granting Plaintiff's claims a liberal construction, they do not appear to be subject to dismissal pursuant to 28 U.S.C. §1915A. Defendants will be directed to answer or otherwise respond to Plaintiff's complaint.

Accordingly, it is **ORDERED** that:

- (1) the John Doe Defendants are dismissed as parties in this case;
- (2) the agency having custody of the Plaintiff forward to the Clerk of the Court monthly payments of 20 percent of the preceding month's income credited to Plaintiff's account each time the amount in the account exceeds \$10.00 until the \$350.00 filing fee is paid;
- (3) the Clerk of the Court issue appropriate summons as authorized by Federal Rule of Civil Procedure 4, and deliver the summons, the complaint, and a copy of this order to the United States Marshal for personal service of process on Defendants, at no cost to Plaintiff; and
- (4) Defendants answer or otherwise respond to Plaintiff's complaint, pursuant to Federal Rules of Civil Procedure 4 and 12, within 21 days after service of process.

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE

Springfield, Missouri,

Dated: December 16, 2016.